

JUL 13 1999

Attorney's Docket No. I0277/7004 (HK)

Applicant or Patentee: Newell

Serial or Patent No.: 09/277,575

Filed or Issued: March 26, 1999

For: METHODS AND PRODUCTS RELATED TO METABOLIC INTERACTIONS IN DISEASE

**DECLARATION CLAIMING SMALL ENTITY STATUS  
(SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on  
behalf of the concern identified below:

NAME OF CONCERN: The Immune Response Corporation  
ADDRESS OF CONCERN: 5935 Darwin Court, Carlsbad, CA 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS AND PRODUCTS RELATED TO METABOLIC INTERACTIONS IN DISEASE by inventor(s), Newell, described in

☒ application serial no.09/277,575, filed March 26, 1999

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37

CFR 1.9(e).

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below \*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME University of Vermont and State Agricultural College  
ADDRESS Burlington, VT 05405  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Steven Brostoff  
TITLE OF PERSON IF OTHER THAN OWNER: President  
ADDRESS OF PERSON SIGNING: 5935 Darwin Court, Carlsbad, CA 92008

SIGNATURE Steven Brostoff DATE 6-15-99

Applicant or Patentee: Newell  
Serial or Patent No.: 09/277,575  
Filed or Issued: March 26, 1999  
For: METHODS AND PRODUCTS RELATED TO METABOLIC INTERACTIONS IN DISEASE

JUL 13 1999

**DECLARATION CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: University of Vermont and State Agricultural College  
ADDRESS OF ORGANIZATION: Burlington, VT 05405

\*TYPE OF ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled METHODS AND PRODUCTS RELATED TO METABOLIC INTERACTIONS IN DISEASE by inventor, Martha Karen Newell, described in

☒ application serial no 09/277,575, filed March 26, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The Immune Response Corporation  
ADDRESS 5935 Darwin Court, Carlsbad, California 92008  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Regina H. White  
TITLE IN ORGANIZATION : Director of Office Sponsored Programs  
ADDRESS OF PERSON SIGNING: University of Vermont, Burlington, VT 05405

*Regina H. White*  
\_\_\_\_\_  
Signature

*25 June 1999*  
\_\_\_\_\_  
Date

092769.03299

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHODS AND PRODUCTS RELATED TO METABOLIC INTERACTIONS IN DISEASE

the specification of which is attached hereto unless the following is checked:

[x] was filed on March 26, 1999, as United States Application No. 09/277,575 bearing attorney docket No. V0139/7028.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign PCT International Application(s) and any priority claims under 35 U.S.C. §§119 and 365(a), (b):

(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	Priority Claimed
			[ ] [ ]
			YES NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/082,250	04/17/98
(Application Number)	(filing date)
60/101,580	09/24/98
(Application Number)	(filing date)
60/094,519	07/24/98
(Application Number)	(filing date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application No.)	(filing date)	(status-patented, pending, abandoned)
(Application No.)	(filing date)	(status-patented, pending, abandoned)

PCT International Applications designating the United States:

(PCT Appl. No.)	(U.S. Ser. No.)	(PCT filing date)	(status-patented,pending,abandoned)
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>Martha Karen Newell</u>	<u>6/23/99</u>
Inventor's signature	Date
Full name of sole inventor	Martha Karen Newell
Citizenship	USA
Residence	520 N. Franklin St., Colorado Springs, CO 80903
Post Office Address	SAME AS ABOVE